



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.44

AMARAVATI, TUESDAY, NOVEMBER 9, 2021

G.380

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

--X--

NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COMMANDANT
A.P. SPECIAL PROTECTION FORCE
VIJAYAWADA

Rc.No.A3/101/PR.No.04/HC 1971/Comdt-VJA/APSPF/2021/2582.
O.O.No.A-51/2021.

Date: 29.10.2021.

DISCIPLINARY PROCEEDINGS AGAINST Sri K.SREEDHAR REDDY, HC-1971 (U/S)
OF APSPF, NSTPD SATRASALA OF VIJAYAWADA GUARDS - FINAL ORDERS.

- Ref: 1. C.No.39/AC/SPF/VJA/Spl.Report/2021/463, Dt:27.05.2021 of Assistant Commandant, APSPF, Vijayawada Guards.
2. This office Memorandum C.No.A3/102/Comdt/APSPF/VJA/PE/2021/1023, Dated:27.05.2021.
3. C.No.39/RI/SPF/VJA/PE (HC-1971 & CT-3103)/2021, Dated:28.05.2021 of PE Officer, Sri T.K.Chari, Inspector.
4. This office proceedings Rc.No.A3/101/PR/04/HC1971/Comdt-VJA/SPF/2021/D.No.1025, O.O.No.A-23/2021, Dated:28.05.2021.
5. This Office Memorandum of Charge vide Rc.No.A3/101/PR/04/Comdt-VJA /APSPF/HC1971/2021/D.No.1087, Date:03.06.2021.
6. C.No.39/AC/SPF/VJA/PR/2021/D.No.536 Dated:14.06.2021 Explanation of CO, Sri. K.Sreedhar Reddy, HC 1971 forwarded by Asst.Commandant, APSPF, Vijayawada Guards.
7. This office proceedings Rc.No.A3/101/PR/04/HC1971/Comdt-VJA/APSPF/2021/D.No.1252, O.O.No.A-27/2021, Dt:29.06.2021.

8. C.No.02/AC/SPF/Dr.NTTTPS/OE/HC 1971/2021/D.No.298, Dated.06.07.2021 of Enquiry Officer.
9. Representation of the Charged Officer HC-1971 Sri K.Sreedhar Reddy, Dated:12.07.2021.
10. Complaint against charged officer, CT-1971 (u/s) Sri K.Sreedhar Reddy submitted by Sri K.Sudhakara Rao, EO/AC on 14.07.2021.
11. This Office Memorandum vide Rc.No.A3/101/PR-04/Comdt- VJA/ APSPF/2021/D.No.1385, Dated:14.07.2021.
12. C.No.02/AC/SPF/Dr.NTTTPS/OE/HC 1971/2021/D.No.309, Dated.17.07.2021 of Enquiry Officer.
13. Rc.No.01/AC/SPF/Dr.NTTTPS/OE/HC1971/2021, Dated: 16.09.2021 of Enquiry Officer report
14. This Office Show Cause Notice Rc.No.A3/101/PR/04/Comdt-VJA/ APSPF/HC1971/2021/D.No.2050, Dated: 24.09.2021.
15. Representation of the charged officer Dated.09.10.2021.
16. This office Memorandum Rc.No.A3/101/PR-04/Comdt-VJA/APSPF /HC 1971/2021/2168, Dated.11.10.2021.
17. Representation of the charged officer, Dated.13.10.2021 received by this office on 14.10.2021 vide inward No.4291.
18. This office Memorandum Rc.No.A3/101/PR.04/Comdt-VJA/APSPF /HC 1971/2021/2205, Dated.16.10.2021.
19. Representation of the Charged Officer, Dated:23.10.2021 received by this office vide inward No.4490 on the same day.

-:o:-

ORDER:

In the reference 1st cited, the Assistant Commandant, APSPF, Vijayawada Guards has submitted a Special Report against HC 1971 Sri K.Sreedhar Reddy, and CT 3103 Sri K.Ruben of APSPF Sub Unit NSTPD, Satrasala, Guntur district. that the said HC and CT were collected an amount of Rs.1500/- bribe from Sri J.Ramanjaneyulu to allow his 03 No's TATA ACE Vehicles from Nagarjuna Sagar Tail Pond Dam Left gate (Telangana side) to Main gate (Andhra side) on 24.05.2021 in between 07:00 PM to 07:30 PM without any permission from superiors.

Vide reference 2nd cited, Preliminary enquiry was ordered against the above said HC and CT duly appointing Sri T.K.Chari, Inspector as PE Officer.

Vide reference 3rd cited, Sri.T.K.Chari, Inspector, APSPF, Vijayawada Guards has submitted Preliminary Enquiry report, where in Prima Facie was clearly established against HC 1971 Sri K.Sreedhar Reddy and CT 3103 Sri K.Ruben of APSPF Sub-unit, NSTPD Satrasala.

Vide reference 4th cited, HC 1971 Sri K.Sreedhar Reddy of APSPF sub unit, NSTPD, Satrasala was placed under suspension on 28.05.2021 which was acknowledged by him on the same day i.e. on 28.05.2021.

Vide reference 5th cited, a Memorandum of Charge under Rule-20 of APCS (CC&A) rules, 1991 with the following Article of Charge was issued to Sri K.Sreedhar Reddy, HC 1971 of APSPF, Sub-unit NSTPD, Satrasala, with instructions to submit his explanation, which was acknowledged by him on 04.06.2021.

ARTICLE - I

That the said Head Constable-1971, Sri K.Sreedhar Reddy and CT-3103 Sri K.Ruben of APSPF Sub Unit NSTPD, Sartasala, Vijayawada Guards, who have been detailed on Day Shift duties on 24.05.2021 at left gate of NSTPD, Satrasala, have violated the APCS Conduct Rules, and while on duty, they demanded and collected an amount of Rs.1500/- bribe from a civilian Sri J.Ramanjaneyulu to allow his 03 Nos. TATA ACE Autos from Telangana to Andhra border through Nagarjuna Sagar Tail Pond Dam, at around 07:30 PM on 24.05.2021.

The Charged officer has submitted his written explanation to the Article of Charge duly denying the charges leveled against him vide reference 6th cited.

Vide reference 7th cited, an Oral Inquiry was ordered against the Charged Officer duly appointing Sri K.Sudhakar Rao, Assistant Commandant, APSPF unit, Dr.NTTPS, Vijayawada as an Inquiring Authority to conduct inquiry into the charges framed against the said Charged Officer.

Vide reference 8th cited, the enquiry officer Sri. K.Sudhakara Rao, AC, APSPF, Dr.NTTPS, has fixed the enquiry date on 12.07.2021 at 10.00 hrs at Office of the SI, APSPF, NSTPD, Satrasala and on 13.07.2021 at 10.00 hrs in the Office of the Assistant Commandant, APSPF, Vijayawada Guards and communicated the Memorandum to the charged Officer, which was acknowledge by him on 15.07.2021.

Accordingly, the charged officer has attended the inquiry on 12.07.2021 at 10:00 Hrs at Office of the SI, APSPF, NSTPD, Sathrasala. While the inquiry is going on, when the EO is recording the statement of complainant Sri J.Ramanjaneyulu in his presence, the Charged Officer unnecessarily argued with the EO and behaved rudely that, the EO is threatening the PWs and forced the complainant Sri J.Anjaneyulu to depose his statement as per his (OE Officer) directions. Further, the charged officer refused to attend the enquiry and left away. In this regard, vide reference 10th cited, Sri K.Sudhakara Rao, Enquiry Officer/AC has submitted a written complaint against the charged officer.

In the reference 9th cited, the charged Officer has levelled certain allegations against the enquiry Officer and submitted representation to the disciplinary authority on the enquiry day itself i.e., on 12.07.2021 only and requested to change the Enquiry Officer, as the EO is not following the procedure of the OE properly and conducting in partial manner. Further, he alleged that, the EO threatens the PWs and brings force on complainant, Sri J.Ramanjaneyulu to depose his statement against him.

The representation of the charged Officer was examined thoroughly and rejected his request for change of Enquiry Officer vide reference 11th cited, as the reasons explained by the charged Officer was not convinced, far away from truth and levelled baseless and false allegations against the EO to evade the enquiry.

Vide reference 12th cited, the Enquiry Officer has refixed the enquiry on 23.07.2021 at 10:00 Hrs at Office of the SI, APSPF, NSTPD, Satrasala and on 24.07.2021 at 10:00 Hrs in the Office of the Assistant Commandant, APSPF, Vijayawada Guards and communicated the Memorandum to the charged Officer, which was acknowledge by him on 17.07.2021.

Vide reference 13th cited, the enquiring authority has submitted the enquiry report duly "PROVED" the charges framed against the charged Officer beyond any reasonable doubt.

In the reference 14th cited, a show cause notice along with a copy of the enquiry report and statements of PWs were served to the charged Officer inviting further explanation if any on the enquiry report, which was acknowledged by him on 25.09.2021.

In the reference 15th cited, the Charged Officer has submitted representation for extension of time up to 25th October 2021 to submit his explanation to the show cause notice.

Vide reference 16th cited, taking into consideration of the representation of the Charged Officer, accorded extension for three days to submit his final explanation to the show cause notice, as he has already given sufficient time according to Rule-21 of APCS (CC&A) Rules 1991.

In the reference 17th cited, the Charged Officer instead of submission of final explanation to the show cause notice, again he has submitted another representation and sought clarifications on the Preliminary Enquiry report, Departmental Enquiry report and Show Cause Notice.

This office has examined the representation of the Charged Officer vide reference 18th cited and rejected his plea and instructed him to submit his explanation if any to the show cause notice within two days from the date of receipt of these orders, whatever he wants to submit his explanation/defense statement on the Enquiry report/Show Cause Notice.

Vide reference 19th cited, the charged officer has submitted his explanation to the Show Cause Notice. In his explanation, he stated that, the preliminary enquiry as well as the oral departmental enquiry were not conducted fairly, and he was not given any reasonable opportunity to express himself. The enquiry authority took a highhanded stance and quelled the investigation with a predisposed, biased and unfair demeanor and did not comply with the rules and provisions in the CC&A rules of 1991, did not comply with the provisions in Article-311(2) and that in the principles of natural justice.

Further, he stated that, he did not commit any offense or misconduct, as vaguely alleged. The disciplinary proceedings are totally creative, fabricated effort of some police officers in vengeance with predisposed, premeditated proceedings against him with illegal baseless and vague charges with no complaint and no evidence against him, invoking predetermined, highhanded and malafied proceedings against him with spiteful and malicious intentions.

Further, he stated that, no any complaint at all in the documents listed and annumerated. Out of 08 witnesses, only one civilian witness by name Sri Jalapati Ramanjaneyulu, S/o Venkateswarlu listed as witness and remaining 07 others are police men on duty were colluded against him, which does not take any validity as witnesses before the law. All the PWs, from PW-2 to PW-7 had just stated vaguely that, the PW-1 told that, he gave Rs.1500/- to the charged officer. But, not a single police men on duty had acted as a police and they did not try to recover the said money red handedly from him.

The charged officer stated in his explanation that, the PW-2 did not seize the bribe amount of Rs.1500/- from him, he did not take any complaint from PW-01 on 24.05.2021 nor made entries in the GD, he has obtained the statement from PW-1 on 27.05.2021 by blackmailing, influencing, threatening, forcing, pressurizing him and he was implicated in the incident due to previous grudges among the men. PWs failed to produce evidence in support of their versions, sending of the vehicles from the left gate to the main gate was not established etc.

I have carefully gone through the Enquiry report, PR file and explanation of the charged officer. I totally disagree with the explanation of the charged officer.

The charged officer has given all reasonable opportunities as plead by him from time to time including extension of time to submit his final explanation to the Show Cause Notice. But, instead of defending himself against the charges framed against him with support of evidence, time and again, he levelled baseless and false allegations against his colleagues in his lengthy explanation to subside his guilt.

The case in detail that, the charged officer HC-1971 Sri K.Sreedhar Reddy and CT-3103, Sri K.Ruben of APSPF Sub-unit, NSTPD, Sathrasala of Vijayawada guards were detailed on Day shift duty at NSTPD left gate on 24.05.2021 from 08:00 AM to 08:00 PM. While they were on duty, at about 07:30 PM, Sri J.Ramanjaneyulu, S/o J.Venkateswarlu, Aged 24 years residence of Rentachintala Village reached Nagarjuna Sagar Tailpond Left gate (Telangana side) with 03 Nos. TATA ACE Autos and requested them to allow their Vehicles to Passover the Dam to Right gate (Andhra Pradesh side). The HC and CT were allowed the said vehicles to pass over the Dam without making any entry in the vehicle movement register and without any gate pass/permission from GENCO/SPF officials by demanding and collecting an amount of Rs.1500/- bribe from Sri J.Ramanjaneyulu.

When the 03 Nos. TATA ACE Vehicles arrived Main gate (AP side) through Nagarjuna Sagar Tailpond Dam on 24.05.2021 at about 07:40 PM, the HC-818 Sri B.Ratnakar and CT-2882 Sri M.Prasad, who were posted at Right gate duty were questioned Sri J.Ramanjaneyulu that, "how could he brought the 03 vehicles to the main gate through the left gate." Sri J.Ramanjaneyulu replied that, the SPF staff posted at Left gate have demanded and collected Rs.1500/- from him and allowed his vehicles to pass over from Dam. Further, in this regard, Sri J.Ramanjaneyulu has also given written Statement to the SPF officials with his own hand writing and confessed that, he has given Rs.1500/- to on duty Police men at Left gate on their demand to allow his 03 Nos. TATA ACE vehicles.

Moreover, Sri J.Ramanjaneyulu, who is a crucial witness to adjudge the charges framed against the charged officer has categorically deposed his statement before the Preliminary Enquiry Officer that, on 24.05.2021 at about 19:30 Hrs, he took his 03 TATA ACE vehicles to the left gate of NSTPD, Sathrasala to pass through Nagarjuna Sagar Tail Pond Dam to take them into Andhra Pradesh State through main gate. HC-1971, Sri K.Sreedhar Reddy Ct-3103, Sri K.Ruben have demanded and collected an amount of Rs.1500/- from him and allowed his vehicles to pass over the Dam.

The Charged Officer himself admitted in his written statement of defense that, on 24.05.2021 at about 19:30 Hrs, himself and CT-3103, Sri K.Ruben were allowed PW-1 to take his 03 vehicles to pass through the left gate to the main gate, PW-2 and 3 were stopped them at main gate and questioned PW-1 as "how could he brought the 03 vehicles to the main gate through the left gate."

Further, the charged officer did not state anywhere in his written statement of defense that, he did not allow the 03 vehicles to pass through the left gate to the main gate or allowed the 03 vehicles to go to the main gate on the written or oral permission of any of the Superior Officers. Nor he submitted any record of evidence for it and he just defended himself in his lengthy explanation that, taking of bribe of Rs.1500/- by him and CsT-3101 from PW-1 is false, fabricated baseless and his colleagues cropped up the allegations against him due to previous grudges. Thereby, it is established beyond any reasonable doubt that, the charged officer HC-1971 and CT-3101, who were discharging duties at NSTPD left gate allowed the 03 vehicles of PW-1 to pass through the left gate to enter into Andhra Pradesh through NSTPD main gate on the night of 24.05.2021 at about 19:30 Hrs.

Since the purpose of posting the SPF staff at the Nagarjuna Sagar Tailpond Dam Left gate and Main gate of NSTPD was to prevent the entry of the vehicles coming from Telangana State through the Left gate to pass along the Dam and enter Andhra Pradesh State through the Main gate of the NSTPD. No vehicles will be permitted to allow without the oral or written permission of the Superior Officers during the time of Lockdown, which was strictly imposed to prevent spreading of the pandemic of COVID-19 virus. The charged Officer HC-1971 and CT-3103 were posted at the Left gate for the above purpose exclusively. It was clearly established beyond any reasonable doubt that the Charged Officer HC-1971 exhibited gross neglect of duty and most reprehensible conduct by allowing the 03 Nos TATA ACE vehicles to go to the Main gate without prior permission from Genco/APSPF officers and without making any entry in the vehicle movement register.

Regarding the imputation of demanding and accepting a bribe of Rs. 1,500/- by the Charged Officer from PW-1 to allow his three vehicles to go to the Main Gate through the Left Gate, where he was posted to prevent the entry of any vehicles on to the dam through the Left Gate without the permission of the superior officers. It is clearly mentioned in the report of PW-1 written in his own hand in the presence of PW-2 and 3 and in his statement given in the Preliminary Enquiry of PW-8 that, the Charged Officer stopped his three vehicles at the Left Gate, demanded a bribe of Rs. 1,500/- to allow his vehicles through the Left

Gate. He gave the demanded money to them and the Charged Officer accepted the same. More particularly PW-1 uttered in his telephonic conversation with PW-8 on 27.05.2021 that, he gave Rs. 1,500/- to the Charged Officer to allow his three vehicles and PWs 2, 3, 5 and 6 deposed the same before the Enquiry Officer, PW-5 also deposed that during his enquiry with PW-1, he admitted that he gave the bribe to the Charged Officer and PW-8 also confirmed the admission of PW-1 during his telephonic conversation. But PW-1 deposed hostile evidence before the Enquiry Officer in this regard and denied his giving the bribe to the Charged Officer to help the Charged Officer whereas the same PW-1 deposed before the Enquiry Officer in the Oral Enquiry in Rc.No.A3/101/PR/04/Comdt-VJA/CT 3103/2021/D.No.1088 against CT-3103 that, when CT-3103 refused to send his vehicles, the Charged Officer HC-1971 called him and demanded him to give money and also admitted during Cross Examination by the Enquiry Officer that he stated in his report Dated:27.05.2021 that he gave money to the Charged Officer and his giving Rs.1,500/- to the Charged Officer is true. Thereby, it is established beyond any reasonable doubt that the Charged Officer demanded PW-1 to give money to him to allow his three vehicles through the Left Gate to go to the Main Gate.

Since PW-2 being In-Charge SI/Duty Officer on 24.05.2021 and as he is not an investigating officer in a criminal case or an ACB official, he cannot check the charged officer and seize the bribed amount. It is fact that, PW-2 did not take complaint from PW-1 on 24.05.2021 and he obtained the complaint from PW-1 on 27.05.2021 due to the delay caused by PW-1, but the delay of 2 days does not mean that the charged officer did not demand and accept the bride and allow the 03 vehicles to enter the Dam. It is well known fact that, the event pertaining to duties at the check posts or out posts only are being entered in the GDs of such check post or Out posts. Further, the charged officer did not state even a single incident or issue or dispute in support of his contention that there are previous grudges among his colleagues especially between him and PW-2 to establish that, his colleague implicated him in the allegations due to previous grudges. The imputations against a charged officer are adjudged on the statements and depositions of the prosecution witnesses and their versions need not be supported by any documentary evidence. Since, the charged officer himself did not submit any defense document on his behalf in support of any of his contentions, he cannot say that the prosecution witnesses failed to produce documentary evidence in support of their versions. Since PWs 1 to 3, 5 and 6 clearly stated before the undersigned that, the three autos of PW-1 were sent from the left gate to the main gate, the charged officer cannot say that sending of the vehicles was not established.

In view of above, I completely do agree with the findings and opinion of the Enquiry Officer who held "PROVED" the article of charge beyond any reasonable doubt.

The APSPF is highly disciplined armed force charged with responsibilities of safe guarding public properties like AP Secretariat, AP Assembly, AP High Court, Airport, AP Genco Stations, Bank Currency Chests, Temples, Dams and Explosive Magazines etc.

According to Sub-rule-1 of Rule-3 of Andhra Pradesh Civil Services (Conduct) rules, 1964, every Government Employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.

Being a senior most member in armed force and well aware about the force rules that; instead of showing his highness, honesty and duty dedication to his subordinate staff while on duty at a vital installation, he indulged in a corruption practice in front of public by bringing defamation to the well disciplined armed force.

The charges against him are very serious in nature and clear violation of conduct rules, which proved in the departmental enquiry. Inciting such indiscipline activities in an armed force is clearly violation of AP Civil Services (Conduct) Rules, 1964.

It is also pertinent to mention here that, on perusal of his past record of service, it was perused that, the said Charged Officer has habitual of exhibiting misconduct such as insubordination, misbehaving and revolt on superior Officers, always nature of disobeying the orders of Seniors, exhibiting highhanded and scandalous behavior and blackmailing the superiors to fulfill his desires. For which, he was awarded with Seven (07) Major penalties (PPIs with cumulative effect). But there is no any reform in his attitude and continuing the same path.

At present, another Major PR vide Memorandum of Charge Rc.No.A3/101/PR.No.07/Comdt-VJA/APSPF/HC1971/2021/D.No.3551, Dated:27.07.2021 is also pending against the said charged Officer, as he exhibited highhanded behavior and scandalous behavior with Sri K.Sudhakara Rao, Assistant Commandant, APSPF while conducting enquiry against him on 12.07.2021 in Rc.No.A3/101/PR.No.04/HC1971/Comdt-VJA/APSPF/2021/D.No.1252, O.O.No. A-27/2021, Dt:29.06.2021 at Nagarjuna Sagar Tailpond Dam, Satrasala, Guntur District.

Further continuing such disgruntled elements in well-disciplined armed force, knowingly exhibiting gross indiscipline is clearly untenable. Showing any lenience will jeopardize the basic discipline and decorum of the prestigious armed force.

Looking from any angle, he has no place and not deserved to serve in the disciplined armed force. Therefore, I am inclined to take a lenient view in the instant case and needs to be punished appropriately, otherwise it will be adversely impact on the discipline of the Force.

Therefore, I am constrained to impose penalty on the charged officer and accordingly I award the charged officer, Head Constable-1971, Sri K.Sreedhar Reddy of APSPF Sub-unit NSTPD, Satrasala, Guntur District under AC, Vijayawada Guards unit with a penalty of **"Removal From Service"** with immediate effect under Rule-9 (ix) of APCS (CC&A) rules, 1991.

Subsequently the Suspension period from 28.05.2021 to 29.10.2021, total 155 days is treated as "Not on Duty."

It is certified that, the procedure laid down in the Rule-20 of APCS (CC&A) rules, 1991 are scrupulously followed.

Acknowledge the receipt of proceedings.

Dr. K.N. RAO,
Commandant,
AP Special Protection Force,
Vijayawada.

To

Sri K.Sreedhar Reddy, HC-1971 of APSPF Sub-unit, NSTPD, Satrasala, Guntur of Vijayawada Guards.

"Through the Assistant Commandant, APSPF, Vijayawada Guards – He will serve the orders on the above individual immediately and return the dated acknowledgement copy to this office.

---X---